D.B. CIVIL SPECIAL APEAL NO.957/2007

Mousar Cement Private ltd. Ratangarh VS. 1.State of Raj. 2.Tehsildar,Ratangarh 3.Vinod Kumar

Date of Order:- 05.11.2007

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. GOPAL KRISHAN VYAS,J.

Mr.Kailash Khatri, for the appellant.

Having heard learned counsel for the appellant, we do not find any merit in this appeal against the order of learned Single Judge by which he has observed that the petitioner cannot claim relief from Tehsildar in respect of the transformer which is subject matter of Civil Suit pending in a Civil Court in which the appellant is not a party and the transformer is subject matter of a sale in auction by the Rajasthan Financial Corporation, firstly in favour of the respondent Vinod Kumar and then the said auction cancelled by the Collector and the order of the cancellation is the subject matter of the suit.

In these circumstances, appropriately learned Single Judge has declined to interfere with non-exercise of jurisdiction by the Tehsildar in respect of property which is subject matter of pending Civil Suit.

It is further noticed that petitioner's application for being impleaded as party was rejected by the trial court and order of the writ petition is pending.

Appeal is dismissed.

(GOPAL KRISHAN VYAS),J. **(RAJESH BALIA),J.**

ARTI